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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/695,838 | 10/30/2003 | Joel Neri | 17047.0000/P002 | 7201 |
| 24998 | 7590 | 09/23/2005 | EXAMINER | |
| DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037 | | | GHATT, DAVE A | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2854 | | |
| DATE MAILED: 09/23/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 10/695,838 | NERI, JOEL |
| Examiner | Art Unit | |
| Dave A. Ghatt | 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10, 17 and 18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) 17 and 18 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As amended, claim 1 line 7 recites, "said second device does not comprise an operative gear." This claimed subject matter seems contradictory to what is disclosed in the written description. Pages 5 and 6 of the written description state that the second device, which receives film from the first device, includes a gear 50 that is integrally molded to the take-up core. Figure 1 clearly illustrates this feature. Consequently, it is not clear how the applicant claims a take-up device that *does not* comprise an operative gear. Because of this confusion, prior art was not applied to claims 1-4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (JP 61053072 A) in view of Sakuta et al. (US 6,624,836). As shown in Figure 2, Hayashi teaches an ink film supply system, comprising, a supply core 17a having a first cylindrical end and a second cylindrical end, each of the ends having an exterior diameter. As shown in Figures 2 and 3A, Hayashi teaches the supply core not comprising an operative gear. Figure 2 of Hayashi also teaches a take-up core 17b for taking up ink film from the supply core, the take-up core having a first end and a second end, and wherein each of the ends of the take-up core has an exterior diameter. Figure 2 of Hayashi further teaches the exterior diameter of the first end of the take-up core being essentially the same as the exterior diameter of the second end of the supply core, and the exterior diameter of the second end of the take-up core being essentially the same as the exterior diameter of the first end of the supply core, and a gear 21 on the second end of the take-up core. In fact, Hayashi teaches all the claimed structure except for the requirement for the supply core having an exterior diameter of the second cylindrical end to be greater than the exterior diameter of the first cylindrical end. Sakuta et al. teaches an ink film supply similar to that of Hayashi. Figure 1 of Sakuta et al. shows an ink film supply 11 having an exterior diameter of the second cylindrical end 14 being greater than the diameter of the first cylindrical end. To one of ordinary skill in the art, it would have been obvious to include in the invention of Hayashi, the diameter structure taught by Sakuta et al., in order to enable a user to easily align the ink film supply cassette in the printer or in the ink supply packaging container.

With respect to claim 6, insofar as structure is recited the primary reference Hayashi teaches the claimed subject matter. Figure 3A of Hayashi teaches the supply core comprising a

smooth cylindrical brake portion (shown generally at 20a) *for* frictionally contacting a brake gear. With respect to the requirement for a molded brake portion, the applicant should note that the method of forming the brake has no patentable weight in this apparatus claim.

With respect to claim 7, as shown in Figure 3A, the primary reference Hayashi teaches the brake portion located between a main portion of the supply core and the first end of the supply core.

With respect to claim 8, Figure 3A of the primary reference Hayashi teaches the gear 21 on the take-up core having a gear for meshing with a drive gear, such that rotation of the drive gear causes the take-up core to take up the ink film from the supply core. With respect to the requirement for a molded gear, the applicant should note that the method of forming the gear has no patentable weight in this apparatus claim.

With respect to claim 9, Figure 3A of the primary reference Hayashi teaches the second end of the take-up 17b being located between the gear and a main portion of the take-up core.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Sakuta et al. as applied to claim 5 above, and further in view of Lee et al. (US 5,548,368). As outlined above, Hayashi and Sakuta et al. teach all the claimed subject matter except for cores formed of hollow molded plastic. Lee et al. teaches an ink film supply spool that includes a hollow molded plastic core. (See column 3 line 66 to column 4 line 9). To one of ordinary skill in the art, it would have been obvious to include hollow molded plastic cores as taught by Lee et al., in the invention of Hayashi and Sakuta et al., in order to provide space for a film indicator, as taught in the abstract of Lee et al.

Allowable Subject Matter

6. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a supply core comprising a smooth, cylindrical molded brake portion for frictionally contacting a brake gear, the brake portion located between a main portion of the supply core and the first end of the supply core, wherein the brake portion has a diameter larger than the diameter of the first end of the supply core.

Claim 18 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a supply core comprising a smooth, cylindrical molded brake portion for frictionally contacting a brake gear, the brake portion located between a main portion of the supply core and the first end of the supply core, wherein the brake portion has a diameter larger than a diameter of the main portion of the supply core.

Response to Amendment

7. The amendment and the remarks filed June 8, 2005 have been fully considered by the examiner. A new ground of rejection has been applied under Hayashi in view of Sakuta et al. Claim 9, which was previously indicated allowable, has now been rejected under Hayashi and Sakuta et al. Consequently, this action has been made non-final.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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